



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
MERRITT ISLAND REGULATORY OFFICE  
2460 NORTH COURTENAY PARKWAY, SUITE 204  
MERRITT ISLAND, FLORIDA 32953

Regulatory Division  
North Branch  
Atlantic Permits Section  
Merritt Island Regulatory Office

## ***PUBLIC NOTICE***

Permit Application No. 2003-03461(IP-JSC) **OCT 13 2003**

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below.

APPLICANT: Mr. Gil Rabal  
First Developers Corporation  
600 Sea Oak Drive  
Vero Beach, FL 32963

WATERWAY & LOCATION: The ±21.2-acre *Americana Plaza* project site is located in the southeast corner of the intersection of I-95 and State Road 60, in Indian River County (Section 3; Township 33 South, Range 38 East), Florida. The project area is within the St. Johns River Water Management District (SJRWMD) Central Indian River Lagoon Basin (Class III Surface Waters).

DIRECTIONS TO SITE: Proceed east on SR 60 past I-95 and the project site is to the immediate right.

LATITUDE & LONGITUDE: Latitude ... 27° 38' 16" North  
Longitude... 80° 30' 53" West

PROJECT PURPOSE:

Basic: The basic project purpose is commercial development.

Overall: The overall purpose of this project is to provide commercial development in the Vero Beach area.

PROPOSED WORK: The applicant proposes to construct a 17-lot commercial development, including requisite road, stormwater and

utility improvements. Commercial uses include office space, retail stores and a hotel.

PERMIT HISTORY: Corps Permit No. 199603599, previously issued for commercial development on this property, authorized 10.02-acres of wetland impact. However, this permit expired on April 29, 2002 and site construction was never initiated.

WETLAND IMPACTS: The project, as designed, proposes to impact 6.79-acres of waters of the United States (wetlands). This includes approximately 0.41-acre of dredge and 6.38-acres of fill to Wetland Forested Mixed (FLUCCS 630) and Vegetated Non-Forested Wetland (FLUCCS 640) communities.

EXISTING CONDITIONS: Generally, the site is overgrown with vegetation (particularly saw palmetto, grape vine and Brazilian pepper) due to the absence of natural fire patterns. The site is dominated by four vegetative communities, including Pine Flatwoods (FLUCCS 411), Brazilian Pepper (FLUCCS 422), Wetland Forested Mixed (FLUCCS 630) and Vegetated Non-Forested Wetland (FLUCCS 640).

The Wetland Forested Mixed community ( $\pm$ 5.55-acres) has a canopy dominated by red bay, laurel oak, slash pine, and sweet bay. Understory vegetation includes Virginia chain fern, swamp fern, Brazilian pepper, arrowhead, pickerel weed, red maple, smartweed, lizard's tail, and Carolina willow. The Vegetated Non-Forested Wetland community ( $\pm$ 1.54-acres) has little or no canopy. Groundcover vegetation includes pickerel weed, smartweed, Carolina willow, swamp fern, chain fern, red maple, dog fennel, grape vine, smilax, fetterbush, red bay, sweet bay, wax myrtle, water pennywort, melaleuca, St. John's wort, and mermaid weed.

MITIGATION: Permit No. 199603599, previously authorizing 10.02-acres of wetland impact, required the landowner to pay \$132,300 to the SJRWMD for the acquisition of 63-acres of private land, and perform a separate wetland enhancement project on 80-acres of the Parish property. These projects have been completed and should adequately compensate for the 6.79-acres of proposed wetland impacts.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers has made a determination that the proposed work *may affect, is not likely to adversely affect*, the eastern indigo snake (*Drymarchon corais couperi*) and is currently requesting consultation with the U.S. Fish and Wildlife Service, as defined under Section 7 of the Endangered Species Act.

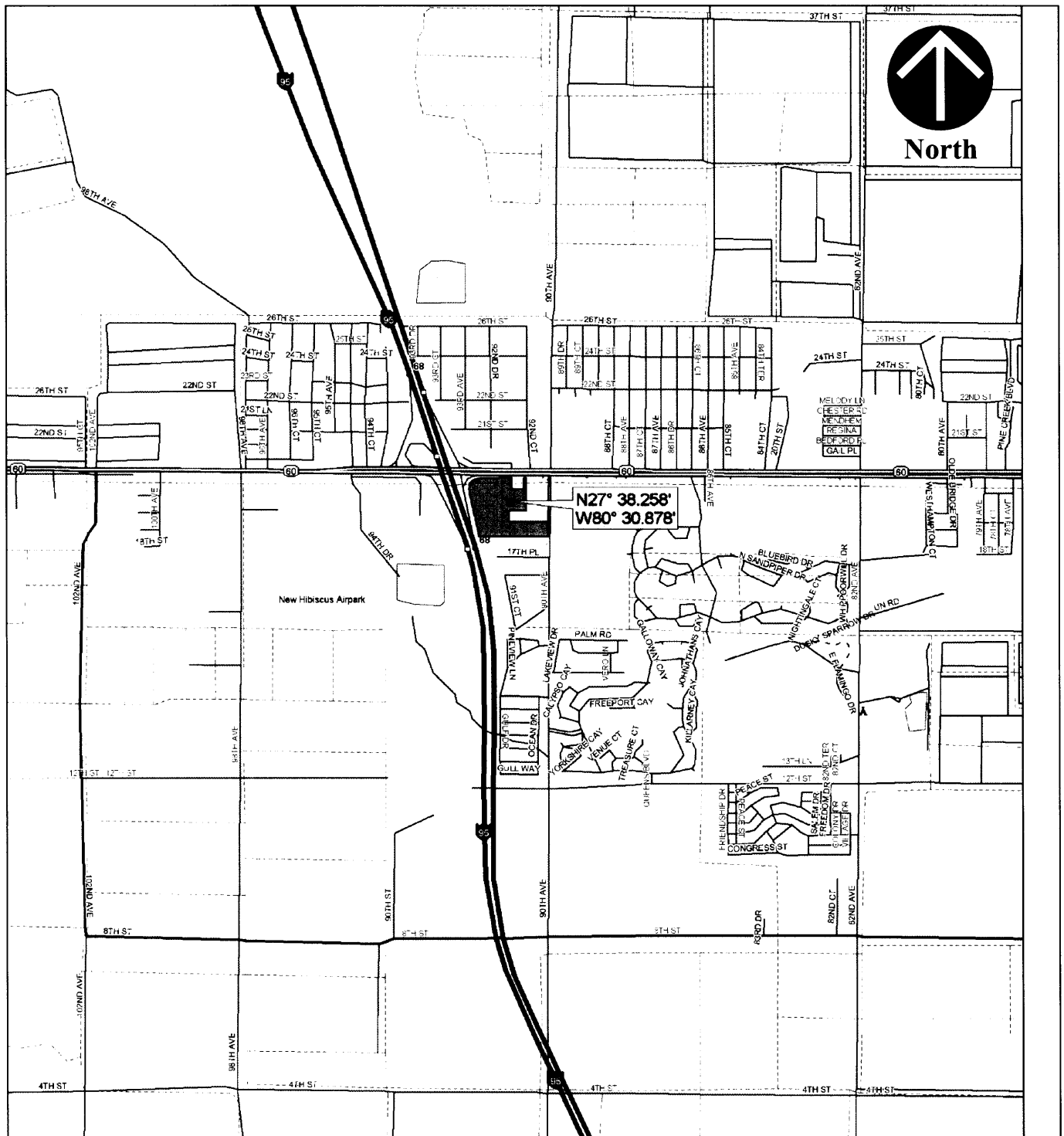
NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

AUTHORIZATION FROM OTHER AGENCIES: A State Water Quality Certification/Permit has been issued for this project. The SJRWMD issued Environmental Resource Permit No. 4-061-18840-2 on September 9, 2003.

Comments regarding this application should be submitted in writing to the District Engineer, c/o Jeffrey S. Collins, within 30 days from the date of this notice:

Merritt Island Regulatory Field Office  
2460 North Courtenay Parkway  
Suite 204  
Merritt Island, Florida 32953  
email: Jeffrey.S.Collins@saj02.usace.army.mil  
Phone: 321-453-7655, ext. 13

**NOT TO SCALE**



**SOURCE: DELORME STREET ATLAS USA, DELUXE.**

**LATITUDE: N27° 258'    LONGITUDE: W080° 30.878'**

INDIAN RIVER COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	3	33S	38E	03-033	VICINITY.DWG	8 MAY 2003	1 OF 5

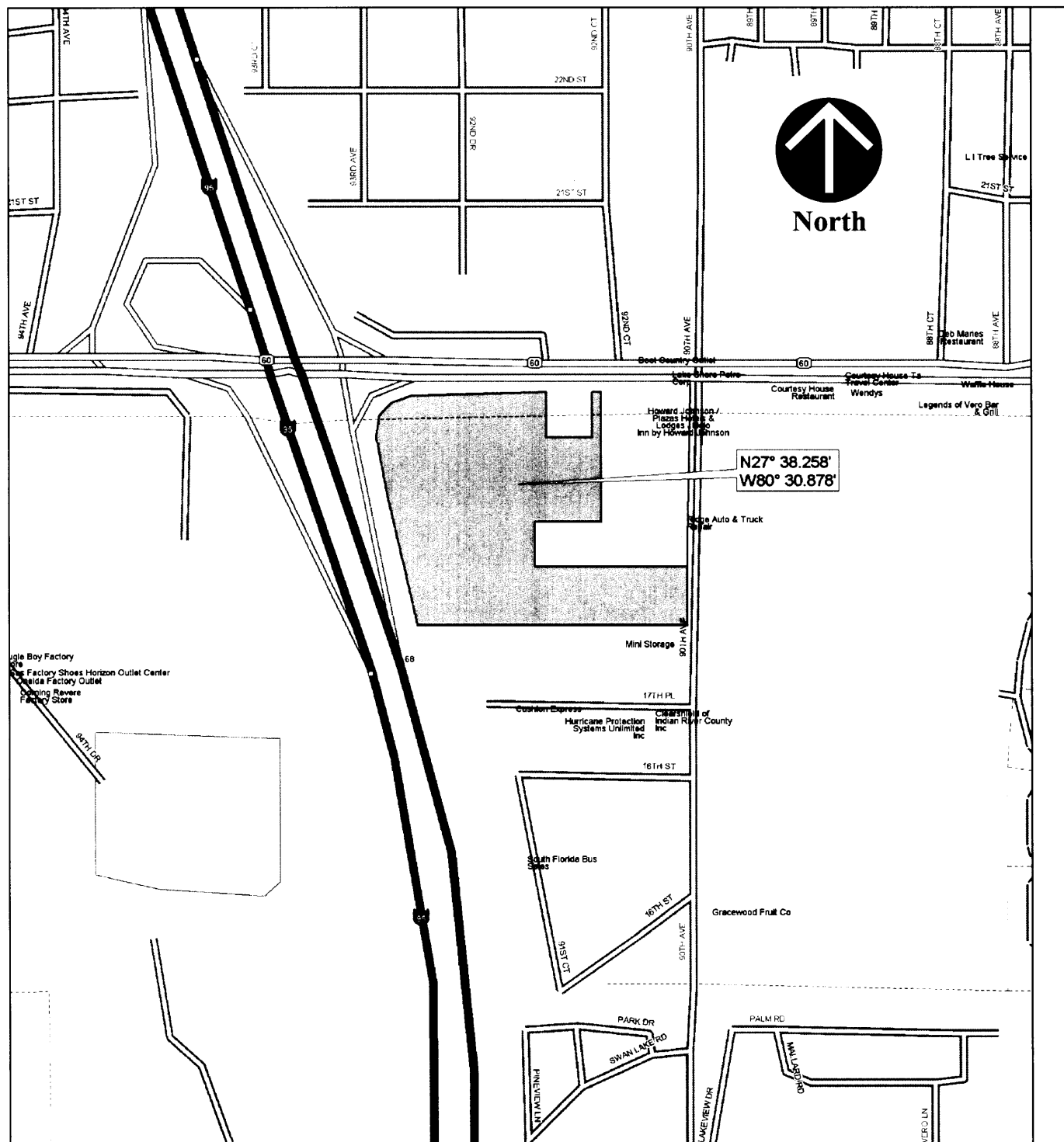
**AMERICANA PLAZA  
WETLAND DELINEATION  
VICINITY MAP**

U.S. Army Corps of Engineers  
App. # 2003-03461 (IP-JSC)  
Date: 10/03/2003  
Sheet 1 of 6

THIS DRAWING, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DRAWING WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY WEGT ENVIRONMENTAL CONSULTANTS, INC. SHALL BE WITHOUT LIABILITY TO WEGT ENVIRONMENTAL CONSULTANTS, INC.



## North



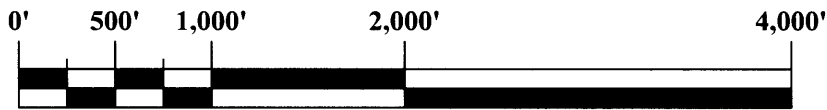
**SOURCE: DELORME STREET ATLAS USA, DELUXE.**

**LATITUDE: N27° 258'    LONGITUDE: W080° 30.878'**

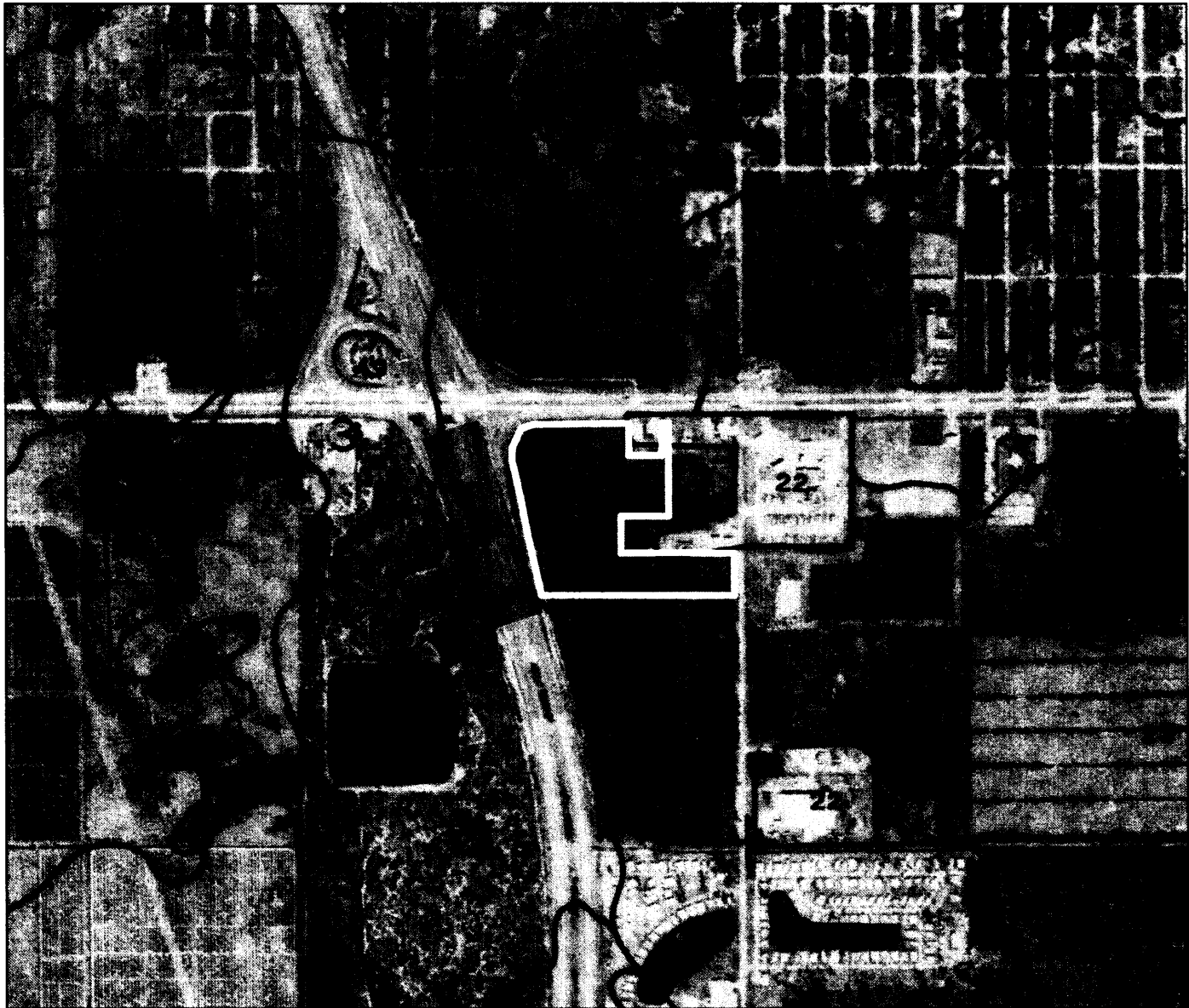
<b>INDIAN RIVER COUNTY</b>	<b>SEC.</b>	<b>TWP.</b>	<b>R.</b>	<b>RLW JOB NO.:</b>	<b>DRAWING NAME:</b>	<b>DATE:</b>	<b>FIGURE:</b>
<b>FLORIDA</b>	<b>3</b>	<b>33S</b>	<b>38E</b>	<b>03-033</b>	<b>LOCATION.DWG</b>	<b>8 MAY 2003</b>	<b>2 OF 8</b>
<p align="center"><b>AMERICANA PLAZA WETLAND DELINEATION LOCATION MAP</b></p>					<p align="right">U.S. Army Corps of Engineers App. # <u>2003-03461 (IP-JSC)</u> Date: <u>10/03/2003</u> Sheet <u>2</u> of <u>6</u></p>		
					<p align="right"><b>ENVIRON</b> 8985 S.E. BRID PHONE: (772) 546-625</p>		

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NOT A SURVEY



SCALE: 1" = 1,000'



SOURCE: SOIL SURVEY OF INDIAN RIVER COUNTY AREA, FLORIDA, JANUARY 1987, SHEET#33, USDA SCS.

- LEGEND**  
3 - EAUGALLIE FINE SAND  
22 - URBAN LAND

LATITUDE: N27° 38.258'    LONGITUDE: W080° 30.878'    SITE SIZE ± 21.24 ACRES

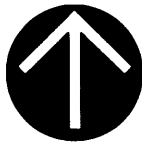
INDIAN RIVER COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	3	33S	38E	03-033	SOILS.DWG	8 MAY 2003	5 OF 5

AMERICANA PLAZA  
WETLAND DELINEATION  
SCS SOILS MAP

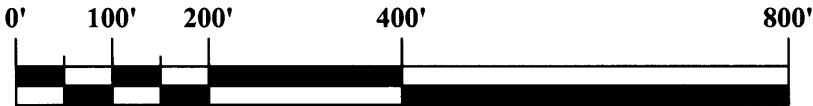
U.S. Army Corps of Engineers  
App. # 2003-03461 (IP-JSC)  
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Sheet 3 of 6  
ENVIRON  
8985 S.E. BRID  
PHONE: (772) 546-625

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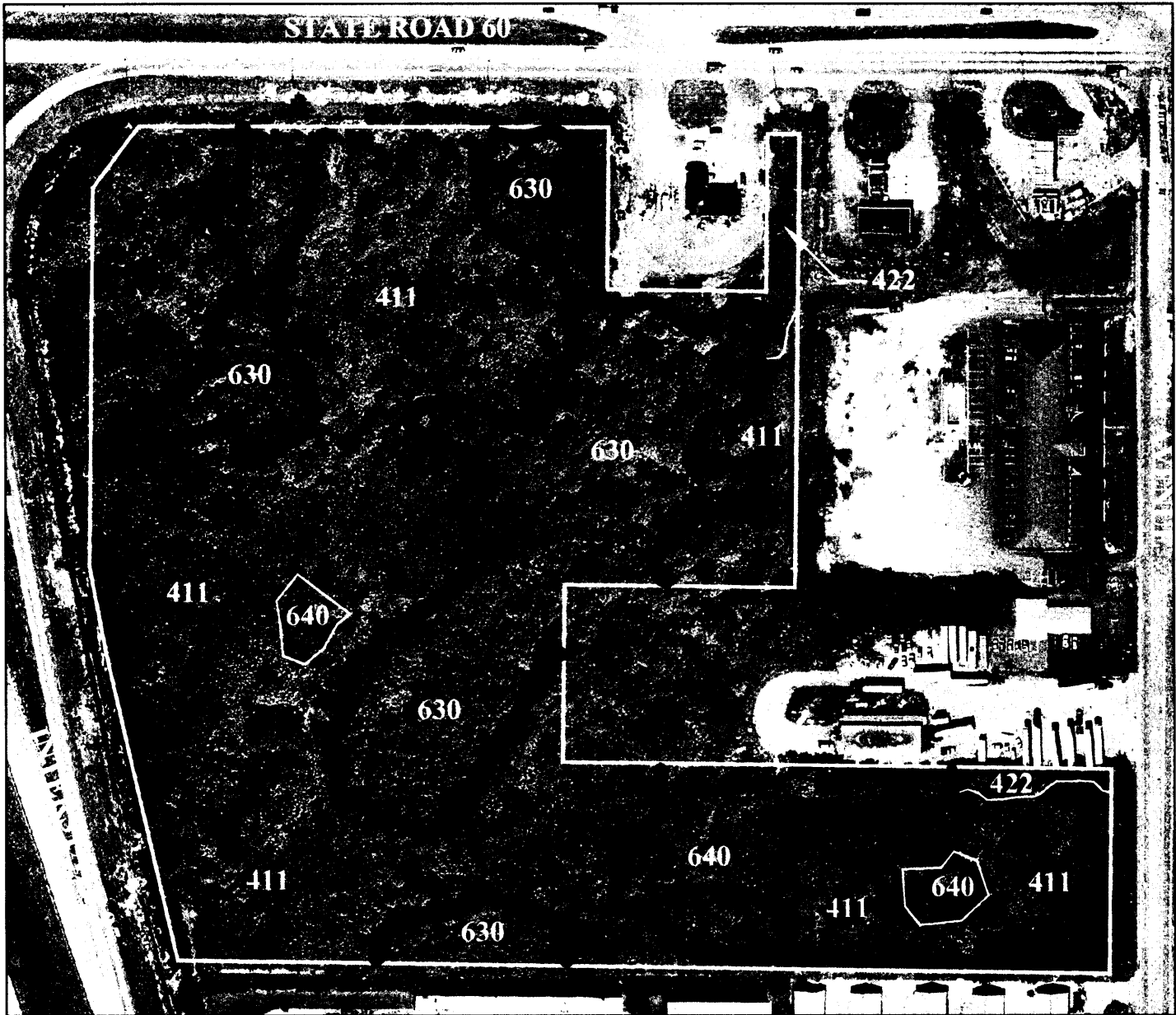
NOT A SURVEY



North



SCALE: 1" = 200'



**LEGEND**

- 411 - PINE FLATWOODS (13.25 ACRES)
- 422 - BRAZILIAN PEPPER (0.60 ACRES)
- 630 - WETLAND FORESTED MIXED (5.55 ACRES)
- 640 - VEGETATED NON-FORESTED WETLAND (1.54 ACRES)

SOURCE: INDIAN RIVER COUNTY PROPERTY APPRAISER'S OFFICE, 1998 AERIAL PHOTOGRAPH.

LATITUDE: N27° 38.258' LONGITUDE: W080° 30.878'

SITE SIZE = ±20.94 ACRES

INDIAN RIVER COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	3	33S	38E	03-033	FLUCFCS.DWG	SEPTEMBER 2003	7 OF 8

**AMERICANA PLAZA  
WETLAND DELINEATION  
VEGETATION (FLUCFCS) MAP**

U.S. Army Corps of Engineers  
App. # 2003-03461 (IP-JSC)  
Date: 10/03/2003  
Sheet 4 of 6

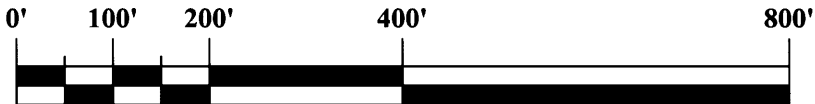
ENVIRON  
8985 S.E. BRID  
PHONE: (772) 546-625

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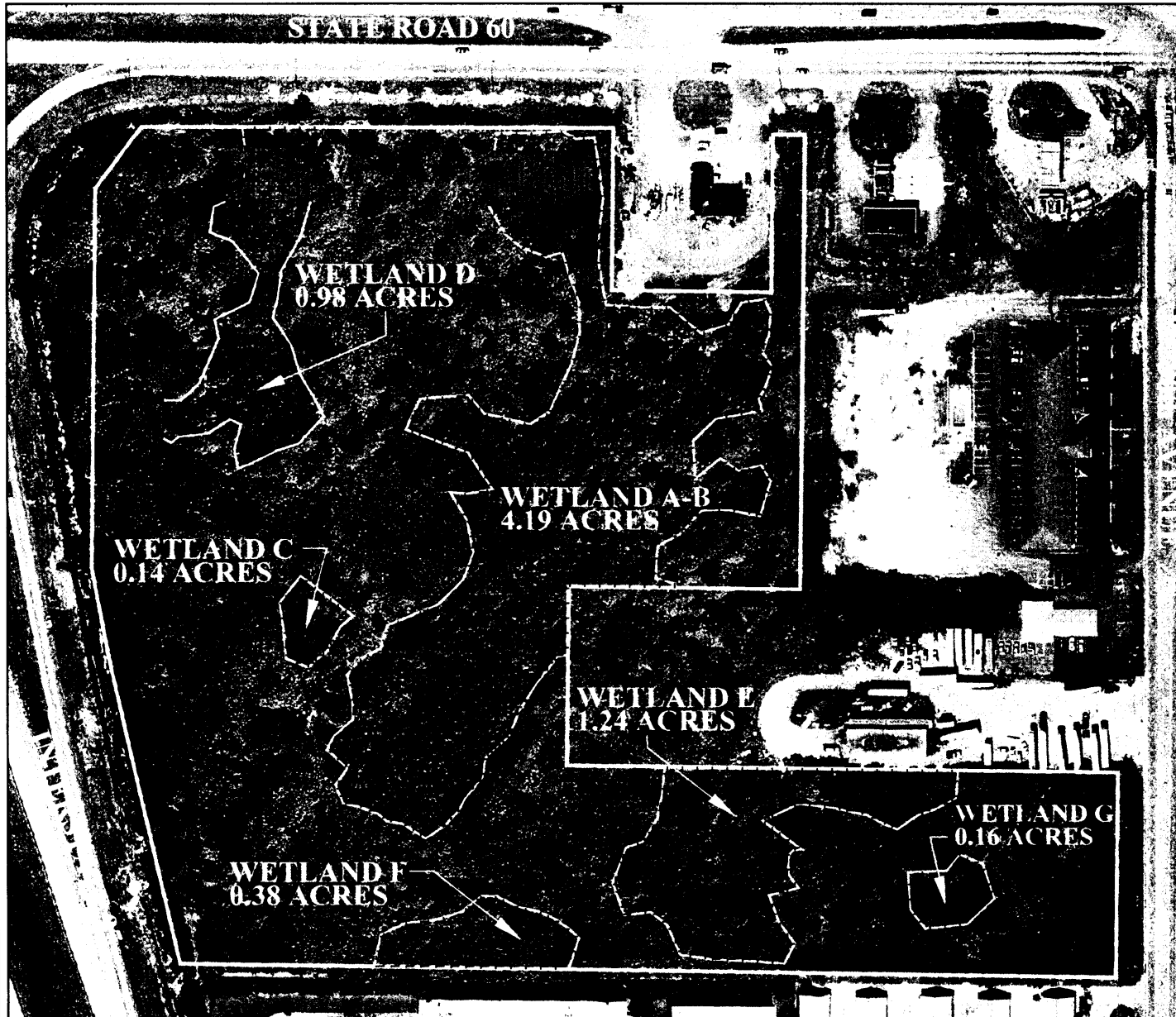
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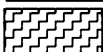
North



SCALE: 1" = 200'



LEGEND



- WETLANDS TO BE FILLED (6.68 ACRES)\*



- WETLANDS TO BE DREDGED (0.41 ACRES)\*

\*NOTE: WETLAND LINES WERE REVIEWED BY JEFF COLLINS OF THE USCOE ON 23 SEPTEMBER 2003 AND ALL EXCEPT FOR THE NORTHERN MOST PORTION OF WETLAND D HAVE BEEN SURVEYED BY DAVID M. JONES, PSM.

LATITUDE: N27° 38.258' LONGITUDE: W080° 30.878'

SITE SIZE = ±20.94 ACRES

INDIAN RIVER COUNTY	SEC.	TWP.	R.	RLW JOB NO.:	DRAWING NAME:	DATE:	FIGURE:
FLORIDA	3	33S	38E	03-033	WETIMPACTS.DWG	SEPTEMBER 2003	6 OF 8

AMERICANA PLAZA  
WETLAND DELINEATION  
USCOE WETLAND IMPACTS MAP

U.S. Army Corps of Engineers  
App. # 2003-03461 (IP-JSC)  
Date: 10/03/2003  
ENVIRON 8985 S.E. BRII  
PHONE: (772) 546-62: Sheet 5 of 6





ID#810  
AREA CALIDAD DE AGUA  
P R ENVIRONMENTAL QUALITY BOARD  
PO BOX 11488  
SAN JUAN PR 00910-2588

ID#450  
AZTEC DEVELOPMENT CO  
ATTN TROY DEAL  
PO BOX 3348  
ORLANDO FL 32802-3348

ID#2854  
ALAN BEHREAS  
8335 HWY 674L  
WIMAUMA FL 33598

ID#260  
JOE BURKE  
RYAN INC EASTERN  
786 S MILITARY TRL  
DEERFIELD BEACH FL 33442

ID#303  
J ALAN COX  
1660 METROPOLITAN CIR  
TALLAHASSEE FL 32308-3731

ID#482  
DAVID DALE  
NMFS HABITAT CONSERVATION DIVISION  
9721 EXECUTIVE CENTEER DR N  
ST PETERSBURG FL 33702-2432

ID#1678  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF RESOURCE PLANNING MGMNT  
2555 SHUMARD OAK BLVD  
TALLAHASSEE FL 32399-2100

ID#2590  
DIV OF HIST RES (SHPO)  
FL DEPT OF STATE J SNYDER MATTHEWS  
500 S BRONOUGH ST  
R A GRAY BLDG 4TH FL  
TALLAHASSEE FL 32399-0250

ID#654  
FL FISH WILDLIFE CONSERVATION COMM  
OFFICE OF ENVIRONMENTAL SERVICES  
255 154TH AVE  
VERO BEACH FL 32968-9041

ID#1166  
FLORIDA WILDLIFE FEDERATION  
2590 GOLDEN GATE PKY  
STE 109  
NAPLES FL 34105

ID#2913  
C GEORGE GETSINGER  
6620 S POINT DR S  
STE 310  
JACKSONVILLE FL 32216-0958

ID#2242  
HAYNES JOHNSON  
US EPA WETLANDS SECTION  
61 FORSYTH ST  
ATLANTA GA 30303

ID#928  
BONNIE J JONES  
INTEGRATED METERING SYSTEMS INC  
6741 102ND AVE N # 27  
PINELLAS PARK FL 33782-2970

ID#1867  
MR RAYMOND T MIDDEL  
CONTINENTAL FLORIDA MATERIALS INC  
13450 W SUNRISE BLVD STE 430  
SUNRISE FL 33323-2940

ID#181  
VINCENT MORASCO  
INTERNATIONAL CLIPPING SVC  
3 CEDAR ST  
BATAVIA NY 14020-3315

ID#2556  
MR EDWIN MUNIZ  
US ARMY CORPS OF ENGINEERS  
CESAJ DS RD  
400 FERNANDEZ JUNCOS AVE  
SAN JUAN PR 00901-3299

ID#719  
NATIONAL MARINE FISHERIES SERVICE  
HABITAT CONSERVATION DIVISION  
3500 DELWOOD BEACH RD  
PANAMA CITY FL 32408-7499

ID#603  
ALBERT J PAPPAS  
438 SKYLARK BLVD  
SATELLITE BEACH FL 32937-3727

ID#316  
SHARON ROLFES  
NMFS HABITAT CONSERVATION DIVISION  
9721 EXECUTIVE CTR DR N  
ST PETERSBURG FL 33702

ID#136  
M STEVENSON  
DOCKWARE MARINE FABRICATION  
60 NAPCO DR  
TERRYVILLE CT 06787

ID#18  
TOWN OF YANKEETOWN  
PO BOX 280  
YANKEETOWN FL 34498-0280

ID#1591  
US FISH AND WILDLIFE SERVICE  
ATTN MR JAY SLACK  
S FLORIDA ECOSYSTEM OFFICE  
1339 20TH ST  
VERO BEACH FL 32960-3559

ID#1214  
US POSTAL SERVICE  
ATTN TAMMY G ELCYZYN  
1680 RAILROAD AVE  
BARBERVILLE FL 32105-9998

ID#1963  
MR VANCE P VICENTE  
VICENTE ASSOCIATES INC  
PMB 326 1353 CARR 19  
GUAYNABO PR 00966

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division